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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of NEPAL to the list of issues (E/C.12/NPL/Q/2) to
be taken up in connection with the consideration of the second periodic report
of Nepal concerning the rights referred to in articles 1-15 of the International
Covenant on Economic, Social and Cultural Rights (E/C.12/NPL/2)**

[28 February 2007]

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN NEPAL

Comments from the Government of Nepal on the issues to be taken up in connection with the consideration of the second periodic report of Nepal (E/C.12/NPL/2)

Q1. Economic, social and cultural rights in the Interim Constitution of Nepal, 2007

1. The Interim Constitution of Nepal, 2007, which came into effect on 15 January 2007, recognizes and protects major economic, social and cultural rights covered by the International Covenant on Economic, Social and Cultural Rights. The Constitution provides that the sovereignty and State authority of Nepal shall be vested in Nepalese people. It guarantees the basic rights of the Nepalese people to participate in the free and impartial election of the Constituent Assembly in an environment free from fear and to draft a Constitution for themselves to shape their destiny.
2. Article 33 of the Constitution obliges the State to focus all its attention to conduct a free and impartial election for the members of the Constituent Assembly by 15 June 2007 to practically guarantee the sovereign powers of the State inherent in Nepalese people.
3. Article 33 (h) of the Constitution provides that it shall be the obligation of the State to pursue a policy of establishing the rights of all citizens to education, health, shelter, employment and food sovereignty. Article 33 (o) further provides that natural resources available in the country including water resources shall be utilized in the interest of the nation.
4. Moreover, article 13 of the Constitution ensures the right to equality. In the general application of law, the State shall not discriminate among citizens on the basis of religion, race, caste, sex, origin, language, ideological conviction or any of these.
5. Further more, article 14 of the Constitution provides the right against untouchability and caste-based discrimination. Article 20 recognizes a separate set of rights as women's rights. Article 18 of the Constitution provides the right relating to employment and social security. Women, labourers, senior citizens, disabled as well as incapacitated and helpless citizens shall have the right to social security, and every citizen shall have the right to food sovereignty, as provided for in the law. Article 29 of the Constitution guarantees the right against exploitation. Article 30 ensures that every employee and worker shall have the right to appropriate work practice. Every employee and worker shall have the right to form trade unions, to organize themselves and to perform collective bargaining for the protection of their interest in accordance with law. Article 16 of the Constitution provides that every person shall have right to live in a clean environment. It also provides that every citizen shall have the right to get basic health service free of cost from the State as provided for in the law. Article 17 of the Constitution ensures that each community shall have the right to get basic education in its mother tongue and every citizen shall have the right to free education up to secondary level as provided for in the law. It also ensures that each community residing in Nepal shall have the right to preserve and promote its language, script, culture, traditional civilization and heritage.

6. In case of violation of these rights the Constitution provides remedies under article 32 of the Constitution.

7. Hence, the Interim Constitution of Nepal, 2007, broadens and enhances the basis for guaranteeing more economic, social and cultural rights vis-à-vis the previous constitutions that came into force in Nepal.

Q2. Implementation of the National Human Rights Action Plan for Nepal

8. The National Human Rights Action Plan was adopted in April 2004. It came into force in mid-July 2004. The Action Plan has identified 12 areas of concern such as education and culture; health; environment and sustainable development; rights of the Dalits, indigenous people with special abilities and senior citizens; women's empowerment, gender equality and equity and women's rights; child rights and development; legal reform; justice administration and management; prison management and reform; labour and employment; conflict management; and institutional strengthening.

9. Despite the fact that the country was in an internal armed conflict and state of emergency and there was an absence of representative institutions, such as an elected parliament and Government accountable to the people during the two and a half year period of the implementation of the National Human Rights Action Plan, many concrete steps have been taken for the implementation of the Action Plan. It has been given a higher priority in the annual budgets. The notion of gender budgeting has been introduced.

10. The Education Act and Regulations have been amended and basic education made accessible to all. Women, Dalit, marginalized and indigenous people living below the poverty line have been provided scholarships/free education up to the secondary level and reserved quota provisions are made in technical education programmes for people with special needs. Even though the right to basic health was not recognized by the previous Constitution or by any law, facilities, equipment, human resources and services for women's reproductive health, polio vaccination and supplies of vitamin A to infants and children have been increased. As a result, maternal as well as child and infant mortality rates have significantly declined.

11. Various environmental awareness programmes have been launched during this period. Nepal became a party to the Kyoto Protocol of the Framework Convention on Climate Change.

12. Further, during the period under review, discrimination on the basis of caste or untouchability has been criminalized. Recently the Parliament has enacted the Senior Citizens Act, 2006 for the protection of the interest of the senior citizens of the country. Inclusion of women, Dalit, indigenous people, Madhesi and other marginalized communities will form the basis of State restructuring and social justice. Juvenile Justice Procedure Rules, 2006, have been adopted.

13. Article 20 of the Constitution ensures women's rights including the right to parental property. A new Citizenship Act, 2006 has been enacted to remove discriminatory provisions based on gender. Now, under the provision of the Act, children are entitled to citizenship on the basis of their mother's citizenship. An Act to Maintain Gender Equality through Amendment of

Some Acts, 2007, removes to a large extent all discriminatory provisions prevailing in different laws, including the *Muluki Ain* (Comprehensive National Code). Marital rape and sexual harassment have been criminalized. The National Women's Commission Act has been enacted.

14. The judiciary has adopted a five-year Strategic Plan for making justice accessible to all. Court procedures are simplified and alternative forms of dispute resolution like mediation have also been introduced. The Ministry of Law, Justice and Parliamentary Affairs conducted a study as part of the process of harmonizing the domestic laws with international human rights instruments. The process of amendment to relevant laws has been initiated accordingly. Furthermore, training courses on human rights laws are being conducted for persons working in the law enforcement agencies, including security officials, administrative officers of the local bodies, court personnel and government attorneys in the four regional centres.

15. The concept of an Open Prison and Community Prison System has been introduced for the first time in Nepal by amending the Prison Act. Some new prison houses are being constructed with better facilities.

16. The Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) on 21 November 2006 has a provision for the setting up of the National Peace and Rehabilitation Commission, and the Truth and Reconciliation Commission. Arrangements have been made for the return of internally displaced persons to their places of origin. The process of such return has been facilitated by the Government by providing the returnees with financial support and creating a conducive environment for their return. All these efforts are expected to help put the bitter past of conflict behind and facilitate the peace-building process for restoring lasting peace in the country.

17. The Government has been reviewing the National Human Rights Action Plan for consideration of its extension for another three years. Incorporation of the human rights component in the Interim Development Plan 2007-2010 is in process.

Q3. Commitment to human rights principles

18. A 25-point commitment (see annex I of the report) was made at the time when the internal conflict was at its peak, accountable Government or elected parliament and local bodies were non-existent, and the country was under a state of emergency. The commitments were derived from the then-Constitution of 1990, meaning that most of the provisions mentioned in the commitment were already incorporated in that Constitution. They are now incorporated in the Interim Constitution, 2007, and other laws, including the State Cases Act, 1992, *Muluki Ain*, Civil Liberty Act, 1954, Prison Act, 1963, Administration of Justice Act, 1992, Supreme Court Act, 1992, and Human Rights Commission Act, 1997.

19. All persons held in prison or detentions during the conflict have now been released and cases filed in the courts have been withdrawn. The Government of Nepal and the Communist Party of Nepal (Maoist) have expressed their commitment, through the Comprehensive Peace Agreement (CPA) signed on 21 November 2006, to disclose the names and addresses of all the persons disappeared or killed during the conflict.

20. As stated above, there is a provision in the CPA to form a high-level Truth and Reconciliation Commission to conduct investigations of those involved in gross violation of human rights at the time of the conflict and those who committed crimes against humanity, and to create harmony and reconciliation in the society. It also provides for the formation of a National Peace and Rehabilitation Commission to initiate the process of rehabilitation and providing relief support to the persons victimized by the conflict and to normalize and stabilize the difficult situation. The National Human Rights Commission has been elevated to the position of a Constitutional body with enhanced autonomy and power.

Q4. Information on economic, social and cultural rights taken into consideration in the Comprehensive Peace Accord

21. The Comprehensive Peace Accord (CPA) concluded between the Government and the CPN (Maoist) on 21 November 2006 has made various provisions regarding economic, social and cultural rights. The sides have agreed to end all forms of feudalism, to enunciate and implement a minimum common programme of socio-economic transformation on mutual understanding, to formulate policies for scientific land reform, to guarantee rights relating to education, health, shelter, employment and food security. Likewise, they have agreed to adopt policies to provide land and socio-economic security to socio-economically backward groups like landless bonded labourers, tillers, herdsmen and other such groups.

22. Besides, commitments to the preparation of a common development concept that will help shaping a roadmap to the socio-economic transformation of the country; making efforts for the uplift of the country's economic prosperity in a faster pace; ending the existing centralized and unitary State system by restructuring it into an inclusive, democratic, progressive one to address the problems related to gender, Dalits, indigenous communities, *Madhesis*, oppressed, marginalized and minority communities, and backward regions by ending prevailing class, ethnic, linguistic, gender, cultural, religious and regional discrimination are some of the significant provisions of the Agreement.

23. Following are some of the salient features of the CPA:

(a) The CPA commits to bring the decade-long armed conflict to an end, which claimed the lives of approximately 13,000 people, to usher a new dawn of sustainable peace, where universally recognized human rights of the people, including economic, social and cultural ones, are fully observed and respected. The Peace Agreement has given top priority for the protection and promotion of human rights and made a special provision by incorporating a separate chapter on it. Realizing the fact that democracy, development and peace cannot flourish in a society where economic, social and cultural rights of the people are not respected, it has made provisions to end all forms of discrimination and to bring the marginalized and excluded people into the national mainstream. It also stresses the commitments of both the parties towards full compliance of the Universal Declaration of Human Rights, international humanitarian law and basic principles relating to human rights, including economic, social and cultural transformation (fifth preamble paragraph, and article 3). Respect for the universally accepted fundamental human rights, sovereignty of people, rule of law, social justice, equality and people's participation are incorporated in the Agreement (art. 3.4);

(b) The CPA expresses commitments to implement minimum common programmes for the economic and social transformation to end all forms of feudalism; to adopt a policy to implement a scientific land reform programme; to adopt a policy to establish rights of all citizens to education, health, housing, employment and food security; to adopt a policy to provide land and other economic protection to landless squatters, Kamaiya, Halia, Harwa, Charwa (cattle-tenders) and other economically backward sections of the society; to develop a common development programme for socio-economic development; to adopt the policy of enhancing investment in industries, trade and export promotion in order to increase opportunities for income generation by ensuring occupational rights of labourers (arts. 3.6-3.10, 3.12 and 3.13);

(c) A separate provision on human rights is incorporated in the Agreement, which reiterates the commitment of both the parties to protect and promote human rights, respect international humanitarian law and social, cultural, religious sensitivity, and the religious sites as well as faiths of the individual;

(d) Article 7.5 of the Agreement clearly states that both the parties are fully committed to protect and promote the economic and social rights of the people. The article reads as follows:

“7.5.1. Both the sides are committed to respect and protect the individual’s right to livelihood through employment of his/her choice or acceptance.

7.5.2. Both the sides are committed to respecting and guaranteeing the rights of food security of all the people. Both the sides remain committed to ensure free movement of shipment, use and distribution of food, food products and food grains.

7.5.3. Both the sides realize the fact that the citizens’ right to health should be respected and protected. No hurdles shall be created in the supply of medicine, health services and campaigns. They also express commitment to the treatment and rehabilitation of the people injured in course of the conflict.

7.5.4. Realizing the fact that the right to education should be guaranteed and respected, both the sides are committed to maintaining a conducive academic environment in the educational institutions at all times. Both the sides agree, with immediate effect, to end activities that hamper the educational activities such as abduction of teachers and students and use of school premises as their barracks for military purposes.

7.5.5. Both the sides agree that the private property of any individual shall not be seized.

7.5.6. Both the sides believe that the industrial environment shall not be disturbed and the right to collective bargaining and social security should be respected. They also believe that if any problem arises between the industrial management and labourers, it should be resolved in a peaceful manner. Both the sides agree to respect the right to work prescribed by the International Labour Organization.”;

(e) To ensure compliance as regards the economic, social and cultural rights, the CPA further makes a provision for continuing the monitoring of the human rights situation by the United Nations Office of the High Commissioner for Human Rights, Nepal (art. 9.1). In addition, the National Human Rights Commission has also been assigned to continue the monitoring of human rights (art. 9.4).

24. The foregoing is the testimony that the CPA adequately incorporates the rights enshrined in the International Covenant on Economic, Social and Cultural Rights.

Q5. Case laws related to economic, social and cultural rights

25. In the case of *Madhav Basnet v. Government*, where the failure of government to provide food to the people living in remote areas of the country was brought to the court's notice, the court repudiated the case on the ground that there was no need to issue a writ order when the Government is engaged in providing food supplies to the people staying in the said area.

Q6. Implementation of the Code of Conduct of the NGOs and INGOs

26. The code of conduct of national and international NGOs brought out during the King's regime has been revoked. The notification to this effect was published in the *Nepal Gazette* dated 12 May 2006 (2063/1/29 B.S.) and 8 August 2006 (2063/4/23 B.S.).

Q7. Measures taken to combat discrimination based on caste

27. The Constitution provides that all Nepalese are equal and there shall not be any form of discrimination on the basis of caste and class. The Government of Nepal is committed to implement the constitutional provision to eliminate caste-based discrimination. Article 14 of the Interim Constitution makes comprehensive provisions against untouchability and caste-based discrimination.

28. The *Muluki Ain* explicitly prohibits any kind of discrimination on the basis of caste. Denial of access to public places and public utilities are punishable and are categorized as a non-bailable offence. It also prescribes penalties for violation of this provision, and provides for compensation to the victims. The *Muluki Ain* authorizes the district court to hear the cases of caste-based discrimination.

Q8. Steps being taken to address practices such as the ill-treatment of Dalits

29. The public authorities are not involved in the ill-treatment of Dalits. The practices of untouchability and ill-treatment are punishable by law. There is no segregation of residential areas for the Dalits. There are no restrictions imposed on their choice of residence and public utilities such as water taps. Prevailing laws of the country do not prohibit inter-caste marriages. The law enforcement authorities are vigilant to curb the cases of social exclusion of inter-caste couples, and to remove obstacles for opportunities in any type of employment. Denial of access to public places, places of worship, public sources of food and water is a punishable crime by law. Practice of untouchability has become a non-bailable offence.

30. The Government has taken strict measures to curb the practice of untouchability in any form, and has recently declared Nepal free of such practices. The Government is committed to establish an inclusive democracy, where the interest of all sections of the society, especially the Dalits, women and minorities are safeguarded and promoted. Works are in progress to adopt effective measures to ensure the enjoyment of their fundamental rights and freedoms. The Government is in the process of filling the vacant posts of members of the National Dalit Commission, which shall be entrusted to work effectively to promote the rights of the Dalits.

Q9. Issues on refugees and asylum-seekers

31. The Government of Nepal has been paying considerable attention to the rights of asylum-seekers according to the laws of the land. Deportation is applied only to those foreigners who are found guilty under the existing immigration laws. The Extradition Act, 1988, allows the Government to extradite a person who has committed an offence as stipulated in the extradition treaty with any foreign country, with the exception of political offence. The Immigration Act, 1992, provides that no foreigner shall be entitled to enter into and stay in Nepal without holding a valid passport and a visa. Likewise, no one shall enter into, stay in and depart from Nepal by submitting a fake passport or visa.

32. Regarding the power to expel, Section 9 of the Immigration Act, 1992, empowers the Director General of the Department of Immigration to take an action on the basis of the investigation carried out by the Immigration Officer and with the approval of the Government of Nepal, expel such a foreigner from Nepal by disqualifying him/her from re-entering into Nepal, with or without prescribing the period of time. Any alien aggrieved by such a decision is entitled to invoke the jurisdiction of the Appellate Court within 35 days of the decision.

Asylum-seekers

33. Nepal is not a State party to the 1951 United Nations Conventions relating to the Status of Refugees and its 1967 Protocol and thus not legally bound by international obligations to carry out its provisions. However, being a responsible member of the United Nations and various other international organizations, Nepal has given shelter to more than 107,000 Bhutanese refugees and more than 15,000 Tibetan refugees solely on humanitarian grounds. In addition, the refugees are also provided Travel Documents to facilitate their visits outside the country as and when necessary. A Refugee Screening Centre is established at the Nepal-India border point Kakarbhitta, Jhapa to interrogate the incoming Bhutanese for registration as refugees.

Efforts for repatriation

34. For the purpose of repatriation of Bhutanese refugees, the Governments of Nepal and Bhutan reached an agreement to form a Ministerial Joint Committee (MJC) in July 1993. The 10th MJC meeting held in Kathmandu in December 2000 decided to establish a Joint Verification Team (JVT) for the field verification and categorization of Bhutanese refugees. The 15th Ministerial Joint Committee (MJC) meeting held in Thimpu in October 2003 had outlined the roadmap for repatriation of the refugees to their homeland in dignity and honour. But this roadmap has yet to be materialized. From the very beginning, Nepal has been taking a consistent

stand on the problem of the Bhutanese refugees - that they should be allowed to return safely to their homeland with dignity and honour. Nepal is bearing the brunt of the repressive policies that have their origins in Bhutan, one sixth of whose population is living in Nepal following their forcible eviction from their homes for no fault of their own.

Recounting of the Bhutanese refugees

35. The recounting of the Bhutanese refugees was launched from 15 November 2006 under the joint collaboration of the Government of Nepal and the Office of the United Nations High Commissioner for Refugees (UNHCR). The joint exercise will cover all seven camps over the next few months. Once the exercise is complete, the Government of Nepal and UNHCR will have with them updated and comprehensive information to serve an estimated 107,000 refugees in eastern Nepal. After the completion of recounting, an identity card with a photograph will be issued to each refugee.

Q10. Issue of internally displaced persons (IDPs)

36. Internal displacement in Nepal is intimately linked to the Maoist insurgency since 1996. The displacement was directly caused by acts of violence or threats to the victims personally; illegal confiscation of property; refusal to let their children be forcibly recruited; forced to contribute in cash and kind; fear of being caught in the crossfire; a general feeling of insecurity and uncertainty, conflict induced collapse of infrastructure and coping mechanism within villages and emergence of self-defence groups.

37. In most cases, displaced persons have left the villages or small townships individually, with their families or in small groups. Many of these are party workers, officials of the Village Development Committees, members of security personnel's families, landlords or rich farmers or otherwise influential persons in the villages. Such a trend has resulted in increased population in the urban and semi-urban parts of Terai. The total number of the registered internally displaced persons in Nepal is 19,000 from 5,000 families.

38. Fully aware of the IDPs' problems, the Government of Nepal has been working towards their durable solution through the adoption of the following measures.

A. National policy on internally displaced persons

39. The Government of Nepal formulated a national policy on internally displaced persons in 2005. The policy aims at ensuring the displaced persons' fundamental human rights; providing the required relief assistance, minimizing the displacement problems and rehabilitating the displaced individuals in their places of origin. The policy is under review to suit the present changed political context in Nepal.

B. Unit for the management of relief assistance

40. A unit has been established at the Ministry of Home Affairs to facilitate the management of relief assistance for the internally displaced persons as well as other victims of the conflict. It serves as an apex body that formulates plans and programmes and coordinates and monitors the relief assistance activities all over the country. A Joint Secretary at the Ministry of Home Affairs heads the unit.

C. Peace Secretariat

41. The Government set up a Peace Secretariat in 2002 to facilitate the overall peace process in Nepal. Among others, it also monitors, coordinates and directs the relief assistance activities for the IDPs and other victims.

D. Relief assistance programmes for the conflict induced displaced persons

42. With a view to providing relief assistance to the internally displaced persons, the Ministry of Home Affairs formulated and implemented numerous relief assistance programmes for the conflict induced displaced people in 2004. For the fiscal year 2005/06, the Government had allocated a budget of NRs 50 million in the sector of internally displaced persons. The programmes encompass, among others, the following.

1. Rehabilitation scheme

Helping displaced persons to get back to their places of origin

43. To meet this end, the Government has made a decision to provide NRs 5,000 to each displaced family as relief assistance for safe return to the place of origin. The budget statement for the current fiscal year 2006/07 makes the allocation of resources for this purpose. The Chief District Officers of the districts concerned will hand over the amount on the recommendation of the Displaced People Identification Committee. The Ministry of Home Affairs is the implementing agency of this programme.

Providing vocational training

44. On the recommendation of the Chief District Officer, displaced persons receive vocational training free of cost. The District Women's Development Office, the Centre for Skill Development and Training and the Council for Technical Education and Vocational Training provide training to such people.

Providing soft loans

45. The Government provides displaced persons with soft loans to go to foreign countries for employment. Such loans are also granted for agricultural purposes.

46. These schemes are to be conducted within six months. The budget required for the rehabilitation scheme is estimated to be NRs 100 million.

2. Social security

47. To ensure the social security of internally displaced children, the Government has adopted the following measures.

Scholarships

48. Under the Ganesh Man Singh Peace Campaign, scholarships are provided to the children of parents killed during the conflict as follows:

| Level of education | Amount in NRs |
|--------------------|---------------|
| Primary | 10,000 |
| Lower secondary | 12,000 |
| Secondary | 14,000 |
| Higher Secondary | 16,000 |
| Bachelor | 18,000 |
| Master | 20,000 |

In the fiscal year 2005/06, an amount of NRs 13 million was provided to 1,012 students as scholarships.

Widows allowance

49. The widow/widower of a person killed during the conflict is provided Rs 100 per month for their subsistence. In the fiscal year 2005/06, NRs 1.362 million was provided to 1,135 such persons.

Provision of the Fund

50. The Government is working on establishing a Trust Fund to assist the victims of conflict. The Government shall initiate the fund with some seed money and other desiring organizations including NGOs and INGOs may contribute to the fund voluntarily.

51. The above activities are being run in close collaboration with the Ministries of Finance; Education and Sports; and Local Development. The required budget to materialize these measures is estimated to be NRs 91 million. These are implemented throughout the year.

3. Reconstruction

52. The Government of Nepal has allocated NRs 700 million for the reconstruction of public infrastructure damaged during the armed conflict.

4. Management, monitoring and evaluation of information regarding IDPs

53. Forms are developed and dispatched to all 75 districts to collect data on IDPs throughout the entire country. While methodologies for identification and data collection are being developed, such activities as collecting information, maintaining updated record, monitoring and evaluation are already in progress.

54. Since the conflict in the country has formally ended, it will have qualitative impact on the problem of IDPs both in terms of their return to normal life as well as sustained improvement in their human rights and living conditions. The Comprehensive Peace Agreement has also made provisions for the return of the IDPs.

Q11. Status of women

55. Recently, the House of Representatives enacted a new Act for the establishment of gender equity. According to the Act, various discriminatory provisions of 16 different acts and *Muluki Ain* have been amended. There is a mandatory provision of reservation of candidacies for the parliamentary as well as local body elections.

56. Also, the House of Representatives has adopted a resolution of public concern that ensures at least 33 per cent of posts are reserved for women in all sectors and at all levels. A new Citizenship Act has been recently adopted, which ensures the equal rights of women as those of men with regard to obtaining citizenship.

Q12. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

57. Nepal has always honoured the rights of the workers whether it is within the country or outside. Nepal has recently acquired full membership of the International Organization for Migration (IOM). Further activities for the benefit of migrant workers are in the process of being carried out.

Q13. Ratification of Conventions Nos. 87, 105 and 169 of the International Labour Organization

58. Although Nepal has not ratified the above-mentioned conventions, the country has honoured the conventions by incorporating their provisions in the just-replaced Constitution of the Kingdom of Nepal 1990, as well as the newly promulgated Interim Constitution, 2007, and the existing rules and regulations. The Interim Constitution prohibits all forms of discrimination on the basis of class, caste, religion, gender, tribe and occupation. Similarly, the Labour Act, 1991, ensures the freedoms of association as well as collective bargaining. The Labour and Employment Policy, 2006, provides a broad framework for all sorts of trade union and labour activities. Similarly, the Bonded Labour (Prohibition) Act, 2001, has liberated all bonded labourers (Kamaiya) who used to work traditionally for their landlords.

59. The Government has set up a task force to study the implications of the obligations that arise from the ratification of these Conventions.

Q14. Legislative and other efforts that are being taken up to dismantle barriers to entry into any occupation based on caste or gender and their results

60. There is no barrier/restriction to anyone to enter into any occupation/service. To enhance wider participation of women, Dalits, and indigenous and other marginalized groups and to create an enabling environment for such participation, the Government is considering introducing a policy of positive discrimination. With a view to implementing this idea, a Bill to amend the Civil Service Act, 1992, is under the consideration of the Interim Parliament, which contains provisions of affirmative action in the civil service for women, Dalits, Madhesi, Janajatis and persons with disabilities.

Q15. The steps taken in order to effectively promote employment

61. The Government of Nepal has emphasized on the vocational and skill-oriented training so that individuals after their graduation may be self-employed and the problem of underemployment and unemployment may be resolved. There are several institutions for imparting such trainings, including the Vocational and Skill Development Training Academy, the Council for Technical Education and Vocational Training, and the Cottage and Small-Scale Industries Training Centres. Besides, individuals are also being attracted to foreign employment opportunities.

Q16. Efforts being made to ensure that Nepalese migrants working abroad can enjoy their economic, social and cultural rights

62. The Government of Nepal has concluded a Memorandum of Understanding (MOU) on labour with the State of Qatar. The Government is also working for concluding similar MOUs with other countries where a large number of Nepalese workers have gone for employment. As regards India, no visa formalities are required for each other's nationals. Nepalese embassies and consulates abroad have been working for the protection of the interests of Nepalese migrant workers in the countries and regions of their accreditation.

63. Since Nepal has now become a member of IOM, it obviously expects the assurance of the economic, social and cultural rights of migrant workers.

Q17. Information on the situation, level and trends of employment, unemployment and underemployment

64. The Government has plans to conduct a labour survey this year.

Q18. Social security programmes introduced in 1995

65. Social security programmes are in operation in all 75 districts of the country. The programme has been targeted to the elderly people, widows and disabled men and women of all classes and castes. The senior citizens of over 75 years of age, the widows of over 60 years of age and the entire disabled have been obtaining monthly allowances under this programme.

Q19. Measures taken to rehabilitate children who were forcibly recruited

66. The Ministry of Women, Children and Social Welfare (MWCSW) and the Central Child Welfare Board (CCWB) have been coordinating with other agencies, viz., UNICEF, the Save the Children Alliance (Norway, United States of America and Japan), the International Rescue Committee (IRC), the Underprivileged Children's Education Programme (UCEP), the Child Workers in Nepal Concern Centre (CWIN) who have formed a group called Children Associated with Armed Forces and Armed Groups (CAAFAG) to tackle this issue.

67. The MWCSW has designated a Joint Secretary as the focal point and CCWB has formed a ministerial-level joint committee to facilitate the work of the CAAFAG.

68. The CCWB has been conducting orientation programmes for its 31 Protection Officers from 31 districts on how to handle such issues efficiently and effectively. The Government remains committed to protect and promote the rights of children under all circumstances and has made categorical commitments to work to ensure that no children are recruited and deprived of the opportunities for education and other privileges that they are entitled to.

69. In the Peace Agreement, it is clearly spelled out that the Maoist combatants will be kept in the cantonment, and verification and registration of their details has already started. The Government is working to ensure that no children are registered as soldiers, and if found as such, their rehabilitation will immediately begin.

70. The Peace Agreement (art. 7.6) unequivocally spells out that the protection of children is a priority area.

Q20. The issue of child brides and measures undertaken to combat it

71. Child marriage is prohibited and hence is punishable under law. The District Child Welfare Boards (DCWBs) are running campaigns on combating child marriages. People are encouraged not only to prevent such occurrences but also to raise awareness against this practice. As a result of these programmes and spread of education, there has been a considerable decline in the number of cases of child marriage reported to the DCWBs. Many NGOs and CBOs have been working as partners in this campaign. The CCWB has been supporting 8,847 children's clubs to take initiatives to eliminate this problem. This is done as a joint initiative of the Government and the civil society organizations as well as child-related organizations.

Q21. Trafficking and sexual exploitation

72. The Government of Nepal has adopted a series of policies and programmes to control the crime of trafficking in persons in general and trafficking for sexual exploitation in particular. Broad-based and multipronged strategies are in place to address this problem in its entirety that involve prevention, strengthening of administrative and law enforcement measures, and rescue and rehabilitation. On the preventive front, the issue of poverty, especially among women, is being addressed within the framework of the tenth five-year development plan (2002-2007). In addition, the Agricultural Perspective Plan (1997-2017) and various other sectoral plans and programmes of the government ministries, including the microfinance schemes, are geared to reducing women's poverty. Skills promotion programmes and vocational training schemes with the view of enhancing income generating employment opportunities to the women and providing educational opportunities to the girls support these efforts. Particular emphasis is given to enhancing educational opportunities for girls both at the formal and informal levels. Major programmes include promoting higher enrolments of girls in schools, provision of incentives to the parents to send their girl children to school, provision of scholarship to the girl students at high schools, provision of scholarship for higher education to the girl students coming from downtrodden, disadvantaged and marginalized communities, waiver of tuition fees, enforcement of compulsory universal primary education, provision of free lunch at school and implementation of non-formal education programmes and education for school dropouts.

73. The Government is also working with civil society organizations, social workers, media persons, and girl students in promoting awareness among people focusing on trafficking-prone areas. Media campaigns have been launched against trafficking. Further, the Task Force on Trafficking and the Inter-Agency Task Forces on Trafficking are also actively engaged in fighting against the problem of trafficking. All these efforts made in a spirit of partnership are aimed at prevention of trafficking of women and children from Nepal.

Legal commitments, institutional arrangements and enforcement

74. Regarding its commitment to control and prevent trafficking of women and children for sexual exploitation, Nepal has become party to many international and regional instruments in the field including the Convention on the Rights of Child (CRC), 1989; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979; and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956. Nepal also ratified in 2001 the Additional Protocol to CEDAW, 1999.

75. At the regional level, Nepal is a State party to the South Asian Association for Regional Cooperation (SAARC) Regional Convention on Preventing and Combating Trafficking of Women and Children for Prostitution signed by the SAARC Heads of State or Government in 2002. Nepal's national laws have been formulated, amended and reformed in accordance with its commitments and action plans have been devised to deal effectively with the problem. The Trafficking in Person (Control) Act, 1987, as amended in 2003, which has incorporated harsher penalties to the culprits and elaborated provisions to address new complexities of trafficking, is a comprehensive legal framework that governs investigation, prosecution and punishment of the crimes related to human trafficking, including the trafficking of women and children.

76. In 1998, the Government of Nepal formulated, following extensive consultation with different stakeholders, a National Plan of Action against Trafficking in Children and their Commercial Sexual Exploitation (NPA). The establishment of the Ministry of Women and Social Welfare in 1995, which was later expanded to include the component of children and renamed the Ministry of Women, Children and Social Welfare (MWCSW) in 2000, provided further impetus to strengthening institutional capacity of the Government in its fight against trafficking.

77. In July 2001, a thorough review of the National Programme of Action was undertaken in order to incorporate the changing dynamics of the trafficking in human beings and new obligations evolving from the SAARC Regional Convention on Preventing and Combating Trafficking of Women and Children for Prostitution as well as to strengthen the implementation of the Action Plan. The issue of trafficking of women was included in the NPA to make it more inclusive and comprehensive to address all facets of the problem.

Targeted activities

78. The Ministry of Women, Children and Social Welfare currently works as the national focal point for implementing the NPA and all other activities geared against the trafficking of women and children. A 16-member, high-level National Coordination Committee to Control Trafficking in Women and Children (NCC) headed by the Minister of MWCSW is in place, which includes

representatives from various line ministries and NGOs. Under the NCC, there is a broad-based National Task Force, representing senior officials of the relevant government departments and NGOs and INGOs working in this area. The National Task Force coordinates activities at the national level and provides guidelines for the coordination of the anti-trafficking activities. There exists an 18-member District Level Task Force representing various governmental and non-governmental organizations each in the selected 26 highly vulnerable districts. The District Task Forces coordinate and implement both preventive and curative activities against trafficking at the district level. Similarly, there are also Village/Municipality-Level Task Forces in the villages/towns concerned comprising 12 and 13 members, respectively, with representation from governmental organizations (GOs), NGOs and civil society at the local level, basically to conduct preventive activities and reduce the push factors of trafficking. There are 67 district-level Women's Development Offices (WDOs), which are now entrusted to work as the secretariat of the district-level task force. While the secretariat implements, monitors and evaluates the district-level anti-trafficking activities with a dedicated functional unit, it also liaises with the National, District, Village and Municipality Task Forces.

79. The Nepal Police has created a Women's Cell at its headquarters. The Cell has launched, in coordination with UNICEF, awareness programmes in various districts with regard to trafficking and related exploitation. This project also has other components such as capacity-building for police officers and database management on criminal activities in this field. The Nepal Police has also set up Women's Cells in 16 of its district-level security units so far. It has implemented a five-year project to train and mobilize the police in awareness-raising and the prevention of trafficking.

80. In addition, the Government of Nepal has established a rescue/emergency fund in Kathmandu, Jhapa, Parsa, Rupandehi and Banke districts, which are considered as major transit points of trafficking victims. Following an extensive consultative workshop, the district-level plans of action have been formulated in four major transit districts of Jhapa, Parsa, Rupandehi and Banke.

81. In view of the need for special care and protection of the victims of crimes related to trafficking, the Ministry of Women, Children and Social Welfare has been running a "women's self-reliance and rehabilitation home" since 1998. Civil society organizations are being encouraged to run similar centres. Many NGOs are doing this mobilizing, among others, with the support of international donors. In addition, many NGOs are working at the grass-roots level for the prevention of trafficking. In order to address the problem of the girl children at risk, some NGOs have initiated childcare shelters to accommodate street girls, homeless girls, orphans, destitute girls, and those who have been subjected to trafficking. Some United Nations agencies are providing assistance in this regard. The Government has created a favourable policy environment for such activities.

Q22. Measures taken to eliminate child labour

82. As a measure to eliminate child labour in the country, an Act for the Prohibition and Regularization of Child Labour, 1999, has been implemented. Similarly, a Master Plan against Child Labour, 2004-2014, is also being implemented.

Revision of information on minimum wages

83. The Government of Nepal recently revised the minimum wages and cost-of-living allowance for the employees of industries and companies. The newly revised rates as of 15 August 2006 are as follows in the table below.

Table 1

Minimum wages

| | Classification of employees or workers | Minimum monthly remuneration (Rs) |
|---|--|-----------------------------------|
| a | Unskilled | 2 200.00 |
| b | Semi-skilled | 2 250.00 |
| c | Skilled | 2 360.00 |
| d | Highly skilled | 2 550.00 |
| e | Minor | 1 785.00 |

The following rates of additional cost-of-living allowance are admissible in addition to the above remuneration

| | Classification of employees or workers | Dearness allowance (Rs) |
|---|--|-------------------------|
| a | Adult | 1 100.00 |
| b | Minor | 830.00 |

Minimum wages for daily-wage workers

| | Classification of employees or workers | Minimum daily remuneration (Rs) |
|---|--|---------------------------------|
| a | Adult | 125.00 |
| b | Minor | 100.00 |

Minimum daily wage for tea estate workers

| | Classification of employees or workers | Minimum daily remuneration (Rs) |
|---|--|---------------------------------|
| a | Adult | 95.00 |
| b | Minor | 72.00 |

Q23. Poverty and economic opportunities

84. The Tenth Plan has been implemented as Poverty Reduction Strategy Paper (PRSP) of Nepal since the fiscal year 2002/03. The Tenth Plan is the third plan since the restoration of democracy in 1990 to address the issue of poverty in Nepal. As a major policy innovation to combat poverty, this plan has envisaged to expedite poverty alleviation by giving priority to high economic growth, social sector development, good governance, and inclusive social justice. Based on the experience of the past, programmes for poverty alleviation and social justice are

being implemented more effectively. In this context, strategies are directed towards achieving the set goal through participatory development process together with establishing an effective role for women in the national economic and social development, mainstreaming the downtrodden and various ethnic groups in the development process, and clearly defining the roles of the Government, local bodies, the private sector, non-governmental organizations and the civil society.

85. Major findings of the mid-term evaluation of the Tenth Plan have been as follows:

- The number of people living below the National Poverty Line is 30.8 per cent in terms of the Nepal living standards survey 2003-2004 conducted in accordance with cost of basic needs methods;
- The number below the poverty line, in terms of the US\$ 1 a day (2003-2004) definition, is 24.1 per cent;
- Social inclusion and targeted programmes are one of the main strategies for reduction of poverty in Nepal;
- In addition to programmes that contribute to economic growth and others related to the social sector, there are about 30 programmes directly targeted to poor and disadvantaged groups/regions;
- Scholarship and other targeted incentive measures are under implementation for inclusive educational development;
- Targeted and inclusive programmes are focused both on remote and geographic regions and also on social groups, gender and other disadvantaged groups;
- Social security programmes focused on improving the livelihood of the disabled, senior citizens and disadvantaged children are being implemented;
- Targeted and social inclusion programmes, mainly based on social mobilization, have been focusing on increasing employment, income, and capacity-building and skill development of the poor and disadvantaged groups;
- About 30 per cent of the total budget is allocated to pro-poor activities (2005/2006);
- Social Sector expenditure in terms of GDP is 5.83 per cent on average in the period 2002/03-2005/06;
- Starting from fiscal year 2002/03, the Government has published annual progress reports of the PRSP and to date four such reports have been published. This has contributed to ensure transparency in the development process.

Q24. The right to an adequate standard of living

86. The Maoist insurgency and conflict situation of the country over the last decade caused migration of the rural people, especially rural youth and male members of the family from the rural to urban areas. The situation also arose out of several obstructions put up on highways and remote areas by former Maoist combatants. This has resulted in a feminization of agriculture, which has affected agriculture production and food security of the region.

87. The Government has undertaken several income-generating programmes targeting the rural population to retain them in the rural areas and several programmes to increase food production and safeguard food security. There are regular agriculture and livestock development programmes implemented throughout the country, such as:

- Programmes on Horticulture Development, Potato and Spices Development, Crop Development, Agri-business Promotion and Marketing (under the Department of Agriculture);
- Programmes on Livestock Health Services, Livestock Development, Livestock Marketing Promotion (under the Department of Livestock).

88. As well, targeted programmes have also been implemented under the Ministry of Agriculture and Cooperatives as follows:

- Food Security Project;
- Crop Diversification Project in the midwestern and far western regions;
- Karnali Zone Special Agriculture Development Project (under the Departments of Agriculture, Livestock and Cooperatives);
- Community Livestock Development Project;
- Leasehold Forestry and Livestock Development Project.

Q25. Difficulties facing the agriculture sector

89. Realizing the difficulties associated with the agriculture sector, including poor irrigation, low productivity and low prices of the agricultural products, the State has accorded priority to increasing productivity, with an emphasis on inputs, including chemical fertilizers and irrigation and sustainable soil management. Development of marketing infrastructure, promotion of agriculture cooperatives for agricultural products marketing, and post-harvest management of the products have been given due emphasis in agriculture development programmes to ensure better price and quality of products.

90. Several specially targeted programmes under implementation are as follows:

- Subsidy on transportation of fertilizers to remote districts;
- Small Irrigation Special Programmes;

- Soil Improvement and Sustainable Soil Management Programme;
- Seed Multiplication Programme to ensure availability of improved quality seeds;
- Breed improvement programme of livestock;
- Agri-business promotion of crops and livestock products.

91. The Nepal Food Corporation has been transporting food grains to ensure food supply, particularly in the food-deficit districts in remote areas of hills and mountains. In addition, the World Food Programme (WFP) is also supporting the remote areas during their food shortages through the “food for work” scheme under Rural Community Infrastructure Work (RCIW).

92. To ensure the right to an adequate standard of living for its citizens, the Government of Nepal has adopted the policy of mainstreaming the disadvantaged, socially excluded and marginalized sections of the society into all of its development programmes including those in the agriculture sector.

Q26. Information on the incidence of tuberculosis and the extent of diarrhoea among children

93. Controlling tuberculosis (TB) is a major health programme in Nepal. About 4.5 per cent of the total population is found to have been infected with TB, out of which 60 per cent are adults. Every year 40,000 people are reported to develop active TB, of whom 20,000 have infectious pulmonary diseases. These people are prone to spread the disease to others. Introduction of treatment by Directly Observed Treatment Short Course (DOTS) has helped in reducing the number of deaths; however, 5,000 to 7,000 people continue to die every year of TB in Nepal. By achieving the global targets of diagnosing 70 per cent of new infectious cases and curing 85 per cent of these patients, it is expected that we can prevent 50,000 deaths over the next five years. The annual incidence of new sputum smear positive cases is 55 per 100,000 and the total number of TB cases reported in 2005/06 was 127.

94. Diarrhoeal diseases are some of the major health problems among children under 5 years of age in Nepal. The Government has been implementing the National Control of Diarrhoeal Diseases Programme (NCDDP) to combat the diseases related to diarrhoea as an integral part of the Primary Health Care Programme. The main objective of the NCDDP is to reduce mortality due to diarrhoea and dehydration from the estimated 30,000 deaths per year in the past to a minimum, and to reduce morbidity from 3.3 episodes per child per year to a minimum. Although there have been fewer diarrhoea epidemics in the country than there were a few years ago, the data of the incidence of diarrhoea show an increasing trend in the number of diarrhoeal visits. In fiscal year (FY) 2004/05, the total number of diarrhoeal visits decreased slightly in comparison to 2003/04. However, the reported diarrhoeal deaths in FY 2005/06 have increased in comparison to FY 2002/03 and 2003/04. The nationally reported incidence of diarrhoea per 1,000 among children aged below 5 remained almost the same in FY 2005/06 compared to 2004/05. The total diarrhoeal visits were 724,300 in 2002/03, 787,600 in 2003/04 and 785,300 in 2004/05. The total diarrhoeal deaths were 148 in 2002/03, 194 in 2003/04 and 244 in 2004/05. The incidences of diarrhoea per 1,000 under-fives were: 209 in 2002/03, 222 in 2003/04 and 219 in 2004/05.

Q27. Update on the reproductive and sexual health and the programme for rehabilitation of mentally disabled persons

95. Since the Alma Ata Declaration of 1978, maternal and child health has been recognized as a major element of primary health care (PHC) and hence remains as a high priority programme in Nepal. After the New National Health Policy, 1991, maternal and child health got top priority and services have been expanded and extended to the rural areas in order to improve the health of rural people. The Family Health Division has been created under the Department of Health to implement the maternal and reproductive health-care programmes in the country. Family Planning, Safe Motherhood, Adolescent Health, Female Community Health Volunteer Programme and Primary Health Care Outreach Clinic are some of the programmes to care for the reproductive and sexual health.

96. Among these, family planning is one of the major components of the Reproductive Health Programme. Over the past several years, contraceptive use has shown incremental improvements. Contraceptives like Depo Provera, oral pills and condoms are available nationwide. Intra-uterine contraceptive device (IUCD) services are available in 68 districts and Norplant services in 60 districts. Voluntary surgical contraceptive services are made available through static clinics as well as mobile outreach programmes.

Q28. Information on results of the fight against the spread of HIV/AIDS

97. The current situation of HIV in Nepal is different from that when the diagnosis of the first case was made in 1988. There are gaps to be filled and challenges to be addressed in the fight against HIV and AIDS. Nepal is a low-prevalence country for HIV and AIDS (0.5 per cent of the population). However, some of the groups show evidence of a concentrated HIV epidemic, e.g. sex workers (19.5 per cent), the migrant population (4-10 per cent) and intravenous drug users both in rural and urban areas (68 per cent). Since 1988, different stakeholders have come forward to address the HIV and AIDS issues. The main focus has been given to preventive aspects. Now, the estimated number of people living with HIV and AIDS is 75,000, of whom 16,000 are women. It is estimated that 5,100 people have died of HIV/AIDS so far.

98. For ensuring a high-priority multisectoral commitment to respond to the HIV/AIDS epidemic, a high-level National AIDS Council has been formed under the chairmanship of the Prime Minister. There also is a National AIDS Coordination Committee chaired by the Minister of Health and Population.

99. The Ministry of Health and Population is the lead agency to respond to HIV/AIDS. Under the Ministry, the National Centre for AIDS and STD Control (NCASC) has been established to implement the National HIV/AIDS Programme. The National HIV/AIDS Programme is guided by an annual plan, which is within the framework of two documents, the National HIV/AIDS Strategy (2002-2006) and the National Operational Plan for HIV/AIDS Control (2003-2007).

100. The international community in Nepal, including the United Nations system, bilateral donors and INGOs are working closely with the Ministry of Health and Population and the National Centre for AIDS and STD control to coordinate a sector-wide approach to the epidemic in Nepal.

Q29. The right to education

101. The Constitution guarantees education as a fundamental right of every child. The Directive Principles have mandated providing primary education in the mother tongue of students, putting special emphasis on the education of females, orphans, children with disabilities, ethnic or religious minorities and other disadvantaged groups.

102. In this connection, the Education Act, 2000 and the Education Regulations have also explicitly acknowledged as the mandatory responsibility of the State to provide to every child the right to accessing and completing basic, quality education free of cost.

103. Again, the Tenth Plan has aimed to secure a 90 per cent net enrolment rate (NER) at primary level by the end of the plan period, which corresponds to mid-2007, while the NPA 2001-2015 targeted a schedule of securing NERs of 88, 90, 95 and 100 per cent successively by the end of 2005, 2007, 2012 and finally 2015.

Major initiatives taken

104. The country has taken several initiatives aiming at expanding and ensuring access and participation of all school-aged children to quality primary education emphasizing girls, disadvantaged and marginalized groups. To this end, the Education for All (EFA), 2004-2009 and the Secondary Education Support Programme (SESP), 2003-2008, are two major educational reform programmes intending to support all schools across the country. Besides, the Teacher Education Project (TEP), 2002-2007 provides support for enhancing the quality of primary education through the provision of a 10-month training course for all primary teachers in the country. The Community School Support Project (CSSP), 2003-2006, remains a milestone in empowering the community to take over the responsibility of school management. While Food for Education (FFE), 2002-2006, aims at making targeted interventions in the poorest districts of the country with a view to achieving universal primary education through increased access and retention, the Construction of Primary Schools in Support of EFA, 2003-2006, has aimed at creating additional spaces for providing a suitable learning environment to the children of primary schools in the selected districts of the country.

105. Again, the Education Regulations have provisions for affirmative action aimed at increasing the number of female teachers. Under this provision, every primary school will have at least one post earmarked for a female teacher. As a result of this provision, there are an increased number of approved positions for female teachers in primary schools.

106. Also, at least 3,000 female teachers, as earmarked in the Budget Speech 2006/07, will be recruited during this fiscal year to address the gender gap among teachers. The democratic Government of Nepal as expected is further committed to create a harmonious and conducive environment in school premises for ensuring academic freedom and the safety of teachers and schoolchildren throughout the country.

107. Performance indicators show encouraging results, as shown in tables 2 and 3 below.

Table 2
Performance indicators in primary education

| SN | Indicators | 2002 | | | 2006 | | |
|------|--|-------|-------|-------|-------|-------|-------|
| | | Total | Boys | Girls | Total | Boys | Girls |
| 1 | Gross enrolment rate of early childhood/preschool | 19.8 | 22.0 | 17.6 | 41.4 | 41.9 | 40.9 |
| 2 | Percentage of new entrants at grade 1 with ECD | 09.6 | 09.8 | 09.4 | 18.0 | 18.5 | 18.3 |
| 3 | Gross intake rate at grade 1 | 101.3 | 107.0 | 95.3 | 148 | 157 | 140 |
| 4 | Net intake rate at grade 1 | 74.0 | 77.3 | 70.7 | - | - | - |
| 5 | Gross enrolment rate (primary) | 118.4 | 127.1 | 109.4 | 138.8 | 139.2 | 138.4 |
| | Gross enrolment rate (lower secondary) | 57.5 | 63.4 | 51.2 | 71.5 | 77.9 | 65.4 |
| | Gross enrolment rate (secondary) | 44.8 | 50.7 | 38.7 | 56.7 | 60.2 | 53.1 |
| 6 | Net enrolment rate (primary) | 82.4 | 88.7 | 76.8 | 87.4 | 89.3 | 85.5 |
| | Net enrolment rate (lower secondary) | 40.4 | 44.7 | 35.8 | 52.3 | 57.1 | 47.8 |
| | Net enrolment rate (secondary) | 27.5 | 31.0 | 23.9 | 34.7 | 37.0 | 32.4 |
| 7 | Percentage of gross national product channelled to primary education subsector | 2.0 | - | - | | | |
| 8 | Percentage of total education budget channelled to primary education subsector | 60 | - | - | | | |
| 9 | Percentage of teachers with required qualification and training | - | - | - | 58.5 | 59.1 | 56.8 |
| 10 | Percentage of teachers with required certification | - | - | - | 100 | 100 | 100 |
| 11 | Pupil-teacher ratio | 35.7 | - | - | 44.5 | | |
| 12 | Repetition rates: | | | | | | |
| 12.1 | Grade 1 | 36.8 | 36.9 | 36.6 | 29.8 | 27.7 | 32.0 |
| 12.2 | Grade 5 | 11 | 10.9 | 11.1 | 10.4 | 10.7 | 10.2 |
| 13 | Survival rate to grade 5 | 67.6 | 66.1 | 69.4 | 47.0 | 44.9 | 49.5 |
| 14 | Coefficient of efficiency | 57.2 | 57.0 | 57.4 | | | |
| 15 | Percentage of learning achievement at grade 5: | | | | | | |
| 15.1 | Nepalese | 55.8 | - | - | | | |
| 15.1 | Mathematics | 33.3 | - | - | | | |
| 15.2 | Social studies | 61.1 | - | - | | | |
| 15.3 | English | 44.8 | - | - | | | |
| 15.4 | Environmental science and health education | 67.3 | - | - | | | |
| 16 | Literacy rate: | | | | | | |
| 16.1 | Age group 15-24 | 70 | - | - | | | |
| 16.2 | Age group 6+ years | 54 | - | - | | | |
| 17 | Adult literacy rate (15+ years) | 48 | - | - | | | |
| 18 | Literacy gender parity index (15+ years) | 0.6 | - | - | | | |

Table 3

Performance indicators in secondary education

| SN | Indicators | 2002 | 2006 |
|----|-------------------------------------|------|------|
| 1 | Pupil-teacher ratio lower secondary | 40.2 | 48.7 |
| 2 | Pupil-teacher ratio secondary | 21.1 | 35.0 |
| 3 | Repetition rates at grade 8 | 15.2 | - |
| 4 | Repetition rates at grade 10 | 13.9 | - |

Q30. School enrolment

108. The country has taken several initiatives to promote education among Dalits, girls and those living in extreme poverty. The details are given in the paragraphs below.

Scholarships for the poor and marginalized children

109. All Dalit primary-school children receive scholarships (for example, each, among 583,000 Dalit children, receive NRs 350 per year). Similarly, 50 per cent of the total enrolled girls (700,000) in primary school receive the same stipend. Again, all girls studying in primary schools of Karnali Zone (geographically remote and deprived area) receive NRs 100 per month for a period of 10 months, whereas the lower secondary and secondary girls receive NRs 150 for the same period.

Grants for School Improvement Plan (SIP)

110. Based on the number of primary-school children, SIP grants are being provided for ensuring textbooks and learning materials (for example, 3.7 million children from the Mountain, Hill and Tarai regions receive NRs 325, NRs 300 and NRs 275 per child per year respectively).

Increasing access and quality of school environment

111. In order to increase the access and quality of school environment, such as construction of new classrooms, rehabilitation and maintenance of classrooms, improvement of school premises, and creation of teacher positions are being provisioned in the current fiscal year (for example, construction of 3,918 new classrooms, rehabilitation and maintenance of 1,150 classrooms, improvement of 400 schools' external environment and provision of 4,800 teacher grants).

Implementing the Early Childhood Development Programme

112. Early Childhood Development (ECD) centres are also operated in the country for the holistic development of the children (for example, 16,523 ECD centres, especially targeting the needy areas, are run all over the country).

Food for Education Programme

113. The Food for Education Programme covers 21 districts with the lowest human development index to provide day meals, cooking oil, deworming tablets and nutritious food to new mothers aiming to increase the access of and its retention in primary education (for example, 450,000 children receive a midday meal, 144,300 girls receive incentives and 450,000 children receive deworming tablets).

Reducing the effects of conflict

114. In order to support conflict-affected children, grants for scholarships, school rehabilitation and teacher support are being provisioned. The details have yet to be worked out.

Provision for asylum-seeking children

115. As yet, there are no programmes for such children. Also, no data regarding such children are available.

Table 4
Primary-level Dalit children: Enrolment by regions, 2006

| Regions | Grade 1 | | | Grade 2 | | | Grade 3 | | | Grade 4 | | | Grade 5 | | | Grade 1-5 | | |
|----------|---------|---------|---------|---------|--------|---------|---------|--------|---------|---------|--------|--------|---------|--------|--------|-----------|---------|---------|
| | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total |
| Mountain | 12 969 | 13 607 | 26 576 | 4 855 | 5 738 | 10 593 | 2 895 | 4 120 | 7 015 | 1 996 | 2 603 | 4 599 | 1 588 | 2 403 | 3 991 | 24 303 | 28 471 | 52 774 |
| Hill | 66 668 | 67 951 | 134 619 | 36 147 | 35 555 | 71 702 | 25 967 | 27 004 | 52 971 | 21 042 | 21 426 | 42 468 | 17 266 | 18 317 | 35 583 | 167 090 | 170 253 | 337 343 |
| Valley | 1 722 | 1 593 | 3 315 | 1 279 | 1 188 | 2 467 | 1 128 | 1 121 | 2 249 | 1 102 | 1 121 | 2 223 | 1 088 | 994 | 2 082 | 6 319 | 6 017 | 12 336 |
| Terai | 66 094 | 69 842 | 135 936 | 47 104 | 49 242 | 96 346 | 25 753 | 31 421 | 57 174 | 18 124 | 21 044 | 39 168 | 14 178 | 18 953 | 33 131 | 171 253 | 190 502 | 361 755 |
| Total | 147 453 | 152 993 | 300 446 | 89 385 | 91 723 | 181 108 | 55 743 | 63 666 | 119 409 | 42 264 | 46 194 | 88 458 | 34 120 | 40 667 | 74 787 | 368 965 | 395 243 | 764 208 |

Table 5
Lower secondary and secondary-level Dalit children by regions, 2006

| Regions | Grade 6 | | | Grade 7 | | | Grade 8 | | | Grade 6-8 | | | Grade 9 | | | Grade 10 | | | Grade 9-10 | | |
|----------|---------|--------|--------|---------|--------|--------|---------|--------|--------|-----------|--------|---------|---------|--------|--------|----------|-------|--------|------------|--------|--------|
| | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total |
| Mountain | 960 | 1 655 | 2 615 | 656 | 1 214 | 1 870 | 528 | 989 | 1 517 | 2 144 | 3 858 | 6 002 | 356 | 689 | 1 045 | 204 | 393 | 597 | 560 | 1 082 | 1 642 |
| Hill | 12 023 | 13 046 | 25 069 | 8 260 | 10 608 | 18 868 | 7 008 | 8 235 | 15 243 | 27 291 | 31 889 | 59 180 | 4 095 | 5 720 | 9 815 | 2 713 | 3 619 | 6 332 | 6 808 | 9 339 | 16 147 |
| Valley | 827 | 720 | 1 547 | 696 | 661 | 1 357 | 693 | 662 | 1 355 | 2 216 | 2 043 | 4 259 | 683 | 572 | 1 255 | 598 | 434 | 1 032 | 1 281 | 1 006 | 2 287 |
| Terai | 9 491 | 12 663 | 22 154 | 6 829 | 9 724 | 16 553 | 6 433 | 8 797 | 15 230 | 22 753 | 31 184 | 53 937 | 3 728 | 5 469 | 9 197 | 2 659 | 4 093 | 6 752 | 6 387 | 9 562 | 15 949 |
| Total | 23 301 | 28 084 | 51 385 | 16 441 | 22 207 | 38 648 | 14 662 | 18 683 | 33 345 | 54 404 | 68 974 | 123 378 | 8 862 | 12 450 | 21 312 | 6 174 | 8 539 | 14 713 | 15 036 | 20 989 | 36 025 |

Table 6

Primary-level total enrolment by regions, 2006

| Regions | Grade 1 | | | Grade 2 | | | Grade 3 | | | Grade 4 | | | Grade 5 | | | Grade 1-5 | | |
|----------|---------|---------|-----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|-----------|-----------|
| | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total |
| Mountain | 76 574 | 78 393 | 154 967 | 34 373 | 37 737 | 72 110 | 25 164 | 29 500 | 54 664 | 20 388 | 24 890 | 45 278 | 17 712 | 21 981 | 39 693 | 174 211 | 192 501 | 366 712 |
| Hill | 310 836 | 321 206 | 632 042 | 194 993 | 189 087 | 384 080 | 153 483 | 154 801 | 308 284 | 135 170 | 138 227 | 273 397 | 119 170 | 122 963 | 242 133 | 913 652 | 926 284 | 1 839 936 |
| Valley | 23 547 | 25 003 | 48 550 | 19 863 | 20 940 | 40 803 | 19 122 | 20 130 | 39 252 | 19 039 | 20 382 | 39 421 | 19 062 | 20 565 | 39 627 | 100 633 | 107 020 | 207 653 |
| Terai | 290 114 | 315 787 | 605 901 | 222 586 | 236 671 | 459 257 | 149 303 | 171 643 | 320 946 | 126 220 | 149 009 | 275 229 | 111 366 | 133 715 | 245 081 | 899 589 | 1 006 825 | 1 906 414 |
| Total | 701 071 | 740 389 | 1 441 460 | 471 815 | 484 435 | 956 250 | 347 072 | 376 074 | 723 146 | 300 817 | 332 508 | 633 325 | 267 310 | 299 224 | 566 534 | 2 088 085 | 2 232 630 | 4 320 715 |

Table 7

Lower secondary and secondary-level total enrolment by regions, 2006

| Regions | Grade 6 | | | Grade 7 | | | Grade 8 | | | Grade 6-8 | | | Grade 9 | | | Grade 10 | | | Grade 9-10 | | |
|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|---------|-----------|---------|---------|---------|----------|---------|---------|------------|---------|---------|
| | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total | Girls | Boys | Total |
| Mountain | 14 830 | 18 847 | 33 677 | 11 644 | 15 511 | 27 155 | 10 035 | 14 017 | 24 052 | 36 509 | 48 375 | 84 884 | 11 524 | 14 263 | 25 787 | 20 002 | 25 426 | 45 428 | 20 363 | 25 426 | 45 789 |
| Hill | 103 304 | 109 427 | 212 731 | 87 544 | 93 395 | 180 939 | 79 061 | 85 018 | 164 079 | 269 909 | 287 840 | 557 749 | 79 306 | 85 708 | 165 014 | 135 273 | 156 230 | 300 287 | 144 057 | 156 230 | 300 287 |
| Valley | 18 031 | 18 230 | 36 261 | 16 033 | 17 174 | 33 207 | 15 756 | 16 304 | 32 060 | 49 820 | 51 708 | 101 528 | 14 826 | 15 381 | 30 207 | 12 962 | 28 343 | 56 324 | 26 117 | 28 343 | 56 324 |
| Terai | 92 691 | 112 964 | 205 655 | 81 289 | 100 340 | 181 629 | 76 379 | 93 310 | 169 689 | 250 359 | 306 614 | 556 973 | 65 134 | 84 888 | 150 022 | 55 681 | 71 284 | 126 965 | 120 815 | 156 172 | 276 987 |
| Total | 228 856 | 259 468 | 488 324 | 196 510 | 226 420 | 422 930 | 181 231 | 208 649 | 389 880 | 606 597 | 694 537 | 1 301 134 | 170 790 | 200 240 | 371 030 | 308 357 | 366 931 | 735 288 | 313 216 | 366 171 | 679 387 |

Q31. Information on continuing harassment of indigenous peoples, forced relocation and violation of their rights to own, develop, control and use their traditional homeland and resources

116. The Constitution provides the right to equality for all citizens. Article 13 of the Interim Constitution ensures the right to equality. In the general application of law, the State shall not discriminate among citizens on the basis of religion, race, caste, sex, origin, language, or ideological conviction. The Government of Nepal is committed to respect, protect and fulfil this right to all its citizens. It is also working hard to uplift all sections of its society. There is no harassment of indigenous peoples, forced relocation and violation of their rights to own, develop, control and use their traditional homeland and resources. The Government's policies are not at all geared towards violating such rights. The Government is fully committed to creating an enabling environment where everyone is fully able to realize his/her rights. Nepal is at the stage of historic transformation from autocracy to democracy. Democracy is a process and it takes time to work and correct the past ills that have been in place for centuries.

Q32. Information on the extent to which minorities are allowed to practice their rituals, customs and traditions

117. The Constitution guarantees the individual's right and freedom to practice his or her rituals, customs and traditions. The minorities in Nepal are free to practise their rituals, culture, customs and traditions. There exist no restrictions and hindrances on them. The Government of Nepal is committed to respect and protect these rights of all sections of the people.
